

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
HONORABLE ROBERT E GERBER
UNITED STATES BANKRUPTCY COURT**

IN re

GENERAL MOTORS CORP.. et al..

**CHAPTER 11 case no.
09-50026 (REG)
JOINTLY ADMINISTERED**

CLAIMANT OR INJURED PARTY

**PRO SE ALBERT L BURDICK
4232 COUNTY ROAD 18
CANANDAIGUA, NEW YORK
585-393-4997**

QUESTION INVOLVED

CAN A CITIZEN OF THE UNITED STATES FILING PRO SE GET FAIR AND EQUAL TREATMENT UNDER THE PRESENT COURT SYSTEM. I CONTEND THAT I DID NOT, AND FILE THIS APPEAL OF THE DECISION OF THE HONORABLE ROBERT E GERBER TO OK THE SALE OF GENERAL MOTORS WITHOUT CURE FOR ME. THE PENSION I RECEIVE AFTER WORKING 30 YEARS FOR GM IS MY ONLY SOURCE OF INCOME, AND THIS SALE JEOPARDIZES THE AMOUNT AND SUSTAINABILITY OF THAT EARNED PENSION.

BACKGROUND

THE US GOVERNMENT IS SUPPOSED TO BE A REPRESENTATIVE FORM OF GOVERNMENT. WHO IS IT REPRESENTING AND ARE THE COURTS AFFECTED. PRESIDENT CLINTON PUSHED THROUGH CONGRESS, NAFTA AND GATT, 75% OF AMERICAN CITIZENS WERE AGAINST THESE AGREEMENTS. PRESIDENT BUSH CONTINUED THIS "FREE TRADE" POLICY PASSING MORE TRADE AGREEMENTS AND PUSHING THRU THE "TARP" PROGRAM. OVER 90% OF AMERICAN CITIZENS WERE AGAINST THIS PROGRAM... BOTH ADMINISTRATIONS CONTENDED THEY HAD THE BEST AND BRIGHTEST ON THEIR STAFFS. NOW PRESIDENT OBAMA ALSO HAVING THE BEST AND BRIGHTEST IS CONTINUING THESE POLICIES IN THE NAME OF SAVING GLOBAL "FREE" TRADE.

THE US ECONOMIC DOWN TURN OCCURRED PRECISELY BECAUSE OF THESE POLICIES. CITIZENS WERE LOSING THEIR GOOD PAYING MANUFACTURING JOBS AND TAKING LESSER PAYING SERVICE JOBS. NOW SEVENTY PERCENT OF THE UNITED STATES GDP IS THE RESULT OF AMERICAN CONSUMERISM. THIS IS THE FUEL OF WORLD "FREE" TRADE. AMERICANS LOSING CHUNKS OF THEIR INCOME (SAVINGS RATE 0%), HAD NO WAY TO FUEL THIS SYSTEM. ALONG CAME A US GOVERNMENT NON-INTERVENTIONIST POLICY TOWARD BANKS, REGULATORS, AND FINANCIAL INSTITUTIONS, WHICH ALLOWED A MASSIVE HOUSING BUBBLE. THIS ALLOWED THESE INSTITUTIONS, TO MAKE WINDFALL DEALS YIELDING HUGE BONUSES FOR TOP BANKERS AND FINANCIERS WHILE DESTROYING THE FUTURE OF THE MAIN STREET ECONOMY IT TRICKLED DOWN TO THE CONSUMERS THRU REFINANCING AND SPECULATION PUTTING MONEY IN THEIR POCKETS TO CONTINUE SPENDING.

AS WE ALL KNOW, THE BUBBLE BURST, UNCOVERING MASSIVE FRAUD. ALMOST NO ONE IS BEING PROSICUTRED , BANKS, STANDARD AND POORS, MOODYS, SEC OFFICIALS, ECT. WHY?

THESE SAME GOVERNMENT OFFICIALS, THE BEST AND BRIGHTEST, ARE NOW BUYING GM THRU THIS SALE. FREE MARKET CAPITALISM STALWART OF AMERICA IS BEING DESOLVED AND ALONG WITH IT THE GUARANTEES OF MY ACCRUED PENSION IN ITS PRESENT FORM AND AMOUNT FOR THE NEXT 40 YEARS.

IN THIS PROCEEDING, I WAS UNFAIRLY LUMPED INTO EXHIBIT "E" AND THUS NOT HEARD. I AM NOT A MEMBER OF THE UAW, OR EVER HAVE BEEN. REPRESENTING MYSELF PRO SE I EXPECT TO BE HEARD

STATEMENT OF FACTS

1) THE ASSETS OF "OLD" GM ARE THE COLLATERAL OF MY PENSION GUARANTEE, WHEN THESE ASSETS ARE GONE; THERE WILL NO LONGER BE A FAIR CURE AVAILABLE. THE COURT TO SUSTAIN THE WHOLE VALUE OF MY EARNED PENSION MUST PROVIDE THE CURE NOW

2) I WAS NOT HEARD

3) THE JUSTICE ADMINISTERED IN THIS BANKRUPTCY WAS EXECUTED BY HUGE INFLUENTIAL FIRMS NOT ALLOWING A PRO SE VOICE TO BE HEARD

4) THE CASE OF SUCH HISTORICAL AND CONSEQUENTIAL SIGNIFICANCE, RUSHED THRU AT LASER SPEED, AND DISALLOWING ANY PRO SE CLAIMANTS FAIR TREATMENT UNDER THE LAW.

5) THE COURT LED TO BELIEVE BY THE ATTORNEYS; THIS WAS THE BEST AND ONLY SOLUTION. THEREFORE, IT WAS ARGUED THE SALE MUST BE RUSHED THRU IMMEDIATELY IN FACT, MANY OTHER SOLUTIONS WERE AVAILABLE FOR EXAMPLE THE US GOVERNMENT COULD HAVE FORWARD PURCHASED 2,000,000 ELECTRIC VEHICLES WITH THE GREEN REQUIREMENTS THEY DESIRE FOR ie. 100 TO 150 MILES PER PLUG IN .THIS WOULD BE SIMILAR TO A DEFENSE CONTRACT AND BE FILLED YEAR (S) DOWN THE ROAD. THUS PROVIDING THE "OLD" GM IMMEDIATE CASH TO SUSTAIN THEM THROUGH THIS ECONOMIC DOWNTURN THESE VEHICLES WOULD BE SUPPLYING THE POST OFFICE, AND ALL OTHER NOT SECURITY RELATED AGENCIES. LETTING THE GOVERNMENT LEAD BY EXAMPLE IN THEIR DESIRE FOR A GREENER AMERICA. THERE ARE AND WERE OTHER SOLUTIONS AVAILABLE AND THE QUESTION BECOMES WAS THERE A MOTIVE TO ONLY OFFER THIS AS THE ONLY SOLUTION.

6) MANY CONGRESSMEN AND SENATORS STATED THEIR DESIRE TO ALLOW BANKRUPTCY TO REDUCE OR DILUTE THE LIABILITIES ACCRUED BY MANY UNION MEMBERS, THUS MAKING THE "NEW" GM LEANER AND COMPETITIVE. THIS IS UNION BUSTING. BY LIMITING THE BENEFITS, THE UNIONS IN THE FUTURE, WILL NOT HAVE THE OPTION OF FAIRLY REPRESENTING THEIR MEMBERS. THERE WILL BE NO REASON TO BE IN OR JOIN THE UNIONS IN THE FUTURE. THIS IS THE FUTURE FOR FAIR REPRESENTATION OF WORKERS THAT THIS FIRE SALE LEGITIMIZES. THE ONLY SOLUTION THE GOVERNMENT OFFERED TO THE UNIONS. NOT, AS I ABOVE STATED A FORWARD PURCHASE, WHICH WOULD HAVE SUSTAINED FAIR WORKER REPRESENTATION. THE GOVERNMENT SHOULD NOT BE IN THE BUSINESS OF UNION BUSTING. THIS IS EVIDENCED BY THE 6 YEAR NO STRIKE CLAUSE THE UNION WAS FORCED TO AGREE TO IN THE NEGOTIATIONS WITH THE BUYER. THIS IS THE FIRST BLOW TO FAIR REPRESENTATION, AND DESTRUCTION OF UNION(S).

7) IN THIS BANKRUPTCY, THE COURT ALLOWED HUGE INFLUENTIAL FIRMS TO SILENCE THE LITTLE GUY (PRO SE RESPONDENTS). THE BLIND FOLDS OF THE SCALES OF JUSTICE HAVE BEEN REMOVED AND THUS THE PROMISE OF FAIR AND EQUAL JUSTICE. THE COURT, SAW ONLY THE BEST AND BRIGHTEST, AND ALLOWING ONLY THEM TO BE HEARD THE DECISION BEGS THE QUESTION, IS THERE FAIR AN EQUAL JUSTICE FOR ALL IN THE UNITED STATES OF AMERICA TODAY.,

8) BECAUSE THE US GOVERNMENT IS A PURCHASER WITH INTERESTS THAT ATTACK RETIREES BENEFITS AND HAS MOTIVES THAT UNDER MINE RETIREES BEST INTERESTS ie... RENEGOTIATED UAW TAKE AWAY CONTRACT. I EMPHATICALLY BELIEVE THIS SALE TO THE "NEW" GM, PUTS MY EARNED PENSION AS IT NOW STANDS IN JEOPARDY. THEREFORE, I ASK FOR CURE OF A FAIR LUMP SUM PAYMENT AS I OUTLINE IN MY ORIGINAL OBJECTION. CAN THE COURT OR ANY

REASONABLE PERSON GUARANTEE IN THIS ECONOMY THE "NEW" GM WILL SUCCEED FOR ONE OR EVEN TWO YEARS, WHILE MAINTAINING MY CURRENT PENSION PAYMENTS, LET ALONE THIRTY OR FORTY YEARS.

THE SAME BEST AND BRIGHTEST PULLED OFF A WEEKEND FIRE SALE OF BEAR STEARNS. THE RESULT, THE BUILDING ALONE WAS WORTH MORE THAN THE STOCK PRICE OFFERED, AND THUS WAS RENEGOTIATED I DO NOT WANT MY PENSION RENEGOTIATED. IT WOULD ONLY BE DOWNWARD. I HAVE NO LEVERAGE AFTER THIS SALE. THE ONLY SOLUTION IS THE CURE I PLEAD.

I ASK THAT THIS APPEAL BE PASSED DIRECTLY TO THE UNITED STATES COURT OF APPEALS

RESPECTFULLY

A handwritten signature in black ink, appearing to be "Robert L. ...", written over a horizontal line.